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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NARAYANASWAMY, SINDYA

ART UNIT	PAPER NUMBER
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2174

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DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,250

Applicant(s)

YOO ET AL.

Examiner

Sindya Narayanaswamy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 - 14 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 8-9 and 11-14 are rejected under 35 USC 102(e) as being anticipated by Humpleman et al, US-6,182,094 B1.

4. As per claim 1, Humpleman et al teach a method of menu-based remote control of external devices that are connected to an audio/video apparatus (col. 23, lines 32-59), comprising the steps of:

- a. displaying a first menu image including a first plurality of menu items, each of the first plurality of menu items menu item corresponding to each of the external devices, such that a selected external device from the external devices is selected from the first plurality of menu items (704, 712, Fig. 10; col. 15, lines 40-47);

b. requesting a second menu image from the selected external device, the second menu image including a second plurality of menu items associated with operations of the selected external device, each of the second plurality of menu items being arranged in a specific position region in the second menu image; (804, 806, 706, Fig. 10; col. 15, lines 56-62);

c. receiving the second menu image from the selected external device and displaying the second menu image, the second menu image being displayed without performing an additional image construction process; and (col. 15, lines 63-65).

d. obtaining a position of a cursor on the second menu image in response to a user input and transmitting the position of the cursor to the selected external device, the selected external device performing an operation corresponding to one of the second plurality of menu items when the selected external device detects the position of the cursor within the specific position region of the one of the second plurality of menu item.

5. As per claim 2, Humpleman et al teach the method wherein each of the first plurality of menu items corresponds to each of the external devices that are connected to the audio/video apparatus through an IEEE 1394 interface (100, Fig. 1; col. 6, lines 10-15).

6. As per claims 3 and 5, Humpleman et al teach the method comprising the step of checking what external devices are connected before step (a) and the method wherein the checking step is performed when communication with the external devices through the common bus before the step (col. 11, lines 35-67 – col. 12, lines 1-11).

7. As per claim 4, Humpleman et al do not explicitly teach the method wherein the checking step is performed in response to a user request of the first menu image for selection of the external device. However, such a step would have been inherent to the system because the user must initiate certain actions or operations such as turning on the software agent system (col. 9, lines 22-26) in order to see the availability of all the devices through the menu image.

8. As per claim 8, Humpleman et al teach a method further comprising the step of transmitting information about the current position of a cursor (*user selection on PC is done with cursor*) on the menu image displayed in step (c) to the selected external device, wherein the user input includes an entry of a selection key by a user (col. 15, lines 40-65).

9. As per claim 9, Humpleman et al teach a method of menu-based remote control of external devices that are connected to an audio/video apparatus, comprising the steps of:

- a. displaying a first menu image including at least a first menu item, the first menu item corresponding to an external device, such that the external device is selected from the first menu item; (704, 712, Fig. 10; col. 15, lines 40-47);
- b. requesting a second menu image from the external device, the second menu image including at least a second menu item associated with an operation of the external device, the second menu item being arranged within a specific position region in the second menu image; (804, 806, 706, Fig. 10; col. 15, lines 56-62);

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c. receiving the second menu image from the external device and displaying the second menu image, the second menu image being displayed without performing an additional image construction process; and (col. 15, lines 63-65).

d. obtaining a position of a cursor on the second menu image in response to a user input and transmitting the position of the cursor to the external device, the external device performing the operation corresponding to the second menu item when the external device detects the position of the cursor within the specific poison region of the second menu item. (*user selection on PC is done with a cursor*) (col. 13, lines 30-38).

10. As per claim 11, Humpleman et al teach the method wherein the user input includes an entry of a selection key by a user (*selection by user*) (col. 17, lines 54-63).

11. As per claim 12, Humpleman et al teach the method further comprising the step of checking if the external device is connected through a common bus before the step (a) (*transmission signals confirm connection*) (col. 5, lines 39-46).

12. As per claim 13, Humpleman et al teach the method wherein the checking step is performed in response to a user request of the first menu image for selection of the external device ().

13. As per claim 14, Humpleman et al teach the method wherein the checking step is performed when communication with the external device through the common bus is possible (*security system operates through the bus*) (Fig. 1, 118).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 6-7, and 10 are rejected under 35 USC 103(a) over Humpleman et al, US-6,182,094 B1 in view of Kim, US-6,133,911.

16. As per claim 6, Humpleman et al disclose the method of claim 1 but do not explicitly teach a method comprising the step of displaying the one of the second plurality of menu items differently from the other menu items of the second plurality of menu items on the second menu image when a cursor is positioned over the menu items during the movement of the cursor. However, such a feature is well known in the art. For instance, Kim teaches a method comprising the step of displaying a menu item differently from other menu items on the menu image

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displayed in step (c) when a cursor is positioned over the menu item during the movement of the cursor (S423, Fig. 4). It would have been obvious to one of ordinary skill in the art at the time to combine the teachings of Humpleman et al and Kim to incorporate a display change upon cursor contact in order to visually aid a user's interaction with the system.

17. As per claim 7, Kim further teaches the method wherein the one of the second plurality of menu items over which the cursor is positioned is displayed differently from other menu items of the second plurality of menu items on the basis of information about the positions of the second plurality of menu items on the menu image, the information being provided by the selected external device (*control device*) (S423, Fig. 4; col. 4, lines 49-60).

18. As per claim 10, Humpleman et al disclose the method of claim 9 but do not teach a method wherein the second menu item changes color and/or brightness when the external device detects the position of the cursor within the specific position region of the second menu item. However, Kim teaches a method wherein a menu item over which the cursor is positioned during the movement of the cursor is displayed differently from other menu items in color and/or brightness (S420, S423, Fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Humpleman et al and Kim in order to visually aid a user's interaction with the system.

Response To Argument

19. In the remarks, applicant has argued in substance that:

(1) The combination of elements as set forth in amended independent claims 1 and 9 are not disclosed or suggested by Humpleman et al. Specifically, Humpleman et al fails to disclose the DTV “receiving the second menu image from the selected device (the home device).”

(2) Humplemen et al fails to disclose the DTV “obtaining a position of a cursor on the second menu image in response to a user input and transmitting the position of the cursor to the selected external device.”

(3) Humpleman fails to disclose “the selected external device performing an operation corresponding to one of the second plurality of menu items when the selected external device detects the position of the cursor within the specific position region of one of the second plurality of menu items.

(4) Kim fails to disclose any menu-control of a TV receiver.

20. Examiner respectfully disagrees with Applicant’s arguments and resubmits that:

(1) Humpleman discloses the DTV “receiving the second menu image from the selected device” in Fig. 10, 804. The second menu image, upon being selected (Dad’s TV) is displayed (col. 3, lines 37-38).

(2) Humpleman discloses the DTV as obtaining a position of a cursor on the second menu image in response to a user input and transmitting the position of the cursor to the selected external device (Fig. 11, 708; Fig. 13). In Fig 11 and Fig. 13, the user can select buttons with the cursor as a manner of providing input – *in response to recognizing the position of the cursor*, the system responds (col. 18, lines 34-44).

(3) Humpleman discloses the selected external device performing an operation corresponding to one of the second plurality of menu items when the selected external device detects the position of the cursor within the specific position region of one of the second plurality of menu items (*play button, volume button*) (Fig. 13, 1044, 1042). The user selects and operation, and when the system detects what has been selected based on cursor position, the command is executed (col. 18, lines 39-44).

(4) Kim clearly discloses the menu-control of a TV receiver (*Control Section, Television Reciever*) (Fig. 1, 32, 40). More specifically, col. 1, lines 60-61 disclose that the Kim invention, is "a method for selecting menus in television receiver" (*ie. Menu control*).

Conclusion

1. This action is a **final rejection, necessitated by amendment**, and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application

which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sindya Narayanaswamy whose telephone number is (703) 305-8473. The examiner can normally be reached on 8 am to 5 pm, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-5404 for regular communications and (703) 305-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sindya Narayanaswamy

December 8, 2003

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